

LIT4771

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc.	)	
	)	
	Plaintiff,	) Case No. 08 C 1785
	)	
v.	)	Judge Kocoras
	)	
BOSTON PLUMBING, INC.,	)	Magistrate Judge Keys
	)	
	Defendant.	)

**PLAINTIFF'S MOTION FOR**  
**ENTRY OF JUDGMENT**

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and, BRIAN T. BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to Fed. R. Civ. P. 55, moves the Court to enter: (1) an Order finding Defendant, BOSTON PLUMBING, INC., in default; and (2) a Judgment in favor of Plaintiff and against Defendant in the amount of \$7,796.44. In support of this Motion, Plaintiff states:

1. Plaintiff filed his Complaint on March 27, 2008, to obtain an audit and recover all unpaid contributions, interest, liquidated damages, professional fees, and court costs owed to Plaintiff under the Collective Bargaining Agreements ("Agreements") in effect between Defendant and Plaintiff and pursuant to ERISA, 29 U.S.C. §§1132 and 1145, and the LMRA, 29 U.S.C. §185, for the period from October 1, 2005, through the present.

2. On April 9, 2008, Defendant was served with a copy of the Summons and Complaint. A true and correct copy of the Return of Service is attached hereto as Exhibit A.

3. Defendant was required to appear and answer or otherwise plead on or before April 29, 2008.

4. As of the date of the filing of this Motion, Defendant has not filed an appearance, answer or other pleading, and is in default.

5. After the lawsuit was filed, Plaintiff's certified public accounting firm, Legacy Professionals LLP, conducted a compliance audit of Defendant's books and records and issued a Compliance Report ("Audit"). The Audit reveals that for the period October 1, 2005, through April 30, 2008, Defendant failed to report and pay amounts due under the CBA on 66 hours of work. A true and correct copy of the Audit is attached as Exhibit B.

6. Plaintiffs' damages are calculated as follows:

\$1,150.05	Delinquent contributions for period from October 1, 2005, through April 30, 2008, per §9.8 of the Agreements
\$220.86	Interest on unpaid contributions through August 1, 2008, per §9.8 of the Agreements
\$220.86	Double interest on unpaid contributions through August 1, 2008, per ERISA, 29 U.S.C. §1132(g)(2)(B)
\$92.00	Liquidated damages per §9.8 of CBA
\$4,317.32	Attorneys' fees and costs per ERISA, 29 U.S.C. §1132(g)(2)(D), and §9.8 of the Agreements (see Affidavit of Douglas A. Lindsay attached hereto as Exhibit C)
\$1,625.35	Audit costs per §1.6 of CBA and 29 U.S.C. §1132(g)(2)(E) (see Affidavit of James Kemperas, attached as Exhibit D)
<hr/>	
\$7,626.44	Total due as of 8/28/2008.

7. Plaintiff's attorney, Brian T. Bedinghaus, will render an estimated additional 1 hour of legal services, at a rate of \$170.00 per hour, for presentation of this motion.

8. Plaintiff requests the Court to enter a Judgment Order in the form attached hereto as Exhibit E, a copy of which was submitted to the Court by email in accordance with the Court's procedures.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter: (1) an Order finding Defendant, BOSTON PLUMBING, INC., in default; and (2) Judgment in favor of Plaintiff and against Defendant in the amount of \$7,796.44.

JAMES T. SULLIVAN, etc., et al., by  
their attorneys, DOUGLAS A. LINDSAY,  
JOHN W. LOSEMAN, LISA M.  
SIMIONI, and BRIAN T. BEDINGHAUS

s/ Brian T. Bedinghaus  
By: \_\_\_\_\_  
Brian T. Bedinghaus  
LEWIS, OVERBECK & FURMAN, LLP  
20 N. Clark St.  
Suite 3200  
Chicago, IL 60602-5093  
312-580-1269

Of Counsel:  
LEWIS, OVERBECK & FURMAN, LLP  
20 N. Clark St.  
Suite 3200  
Chicago, IL 60602-5093  
312-580-1200

PROOF OF SERVICE

I served a copy of the foregoing PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT upon:

Boston Plumbing, Inc.  
c/o Maria Boston, officer  
27900 W. Concrete Drive, Unit F  
Ingleside, IL 60041

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Suite 3200, Chicago, Illinois on August 21, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 21, 2008

Christine Usyak  
CHRISTINE USYAK

OF COUNSEL:

LEWIS, OVERBECK & FURMAN, LLP  
20 North Clark Street  
Suite 3200  
Chicago, IL 60602-5093  
312.580.1200

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**

**SUMMONS IN A CIVIL CASE**

JAMES T. SULLIVAN, not individually but as Trustee of  
PLUMBERS' PENSION FUND, LOCAL 130, U.A., et al.,

Plaintiff,

CASE NUMBER: 08CV1785

EDA

V.

JUDGE KOCORAS

BOSTON PLUMBING, INC., an Illinois Corporation,

Defendant.

ASSIGNED JUDGE: MAGISTRATE JUDGE KEYS

DESIGNATED

MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

Boston Plumbing, Inc.  
c/o Daniel E. Boston - registered agent  
1110 Kasting Lane  
Mundelein, Illinois 60060

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Douglas A. Lindsay  
John W. Loseman  
Brian T. Bedinghaus  
Lisa M. Simioni  
Lewis Overbeck & Furman, LLP  
20 N. Clark Street, Suite 3200  
Chicago, Illinois 60602

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**Michael W. Dobbins, Clerk**

Esparranza Arriola

(By) DEPUTY CLERK

March 27, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	April 9'th, 2008
NAME OF SERVER (PRINT)	TITLE	
Don Johnson	Special Process Server	

*Check one box below to indicate appropriate method of service* Served personally upon the defendant. Place where served: \_\_\_\_\_ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

 Returned unexecuted: \_\_\_\_\_

Other (specify): Personally handed the Summons and the Complaint to Ms. Melissa Boston, the 22 year old daughter of Mr. Daniel Boston, the R/A for Boston Plumbing, Inc. Service was effected at the Boston residence at 1110 Kasting Lane, in Mundelein, Illinois, at the hour of 4:00 p.m., on April 9th, 2008.

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on April 9'th, 2008

Date

*Signature of Server*
  
Post Office Box # 911  
Tinley Park, Illinois 60477
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

# **EXHIBIT B**

Compliance Report  
to the Trustees,  
Plumbers' Benefit Funds, Local 130, U.A.

-----  
**Boston Plumbing, Inc.**  
October 1, 2005 through April 30, 2008  
File # P130-0508-0722

**LEGACY**  
**PROFESSIONALS LLP**  
CERTIFIED PUBLIC ACCOUNTANTS

July 29, 2008

Trustees, Plumbers' Fringe Benefit Funds,  
Local 130, U.A.

c/o Kevin C. Sherlock, Field Representative  
1340 W. Washington Blvd., 3<sup>rd</sup> Floor  
Chicago, IL 60607

Re: Boston Plumbing, Inc.  
File # P130-0508-0722

Gentlemen:

- In accordance with your instructions, we have analyzed the records that were presented for our inspection by the referenced employer in order to determine compliance with the reporting requirements for monthly contributions to the Chicago Journeymen Plumbers Local 130, U.A., and related Fringe Benefit Funds for the period October 1, 2005 through April 30, 2008.
- The audit was performed at the employer's business address which is located at 27900 W. Concrete Drive, Unit F, Ingleside, IL 60041. Maria Boston, secretary for the employer was our contact for this compliance audit. The contractor conducts business as an "S" corporation, owned 50% each by Daniel & Michael Boston. It was incorporated on August 23, 1993 in the State of Illinois.
- During the audit period the employer used ADP & Pro/Data as their payroll services. Currently they are using Pro/Data. They have approximately twenty employees working at Boston Plumbing of which two are covered in Local 130. The contractor also worked in and contributed to Local 93 & Local 75 (Wis.) during the audit period.
- To qualify the payroll we recapped the W-2's for the calendar years 2005 & 2006. We compared payroll wages to W-2 wage totals. We also classified all employees on the same sheet. We used the Fund and other Fund's contribution reports to classify the employees. Our contact noted any office or shop employees. From this manifest, we were confident that we were provided with the entire payroll and that all employees were accounted for. The payroll audit was scoped at 100% for the covered employees. We used the employer's copies of the weekly payroll journals to trace the hours worked to the Fund's contribution reports. Discrepancies were found. The employer did not report all hours worked on the following employee:
  - John Anderson-xxx-xxx-5174: 36.5 hours were under reported in the month of March 2007 & 29.50 hours were under reported in the month of February 2008.
- Cash disbursement records and the chart of accounts were viewed for any unusual activities. None were found.

Our conclusion therefore indicates that the employer owes the following amounts for the report period.

	2005	2006	2007	2008	<b>TOTAL</b>
Pension Fund	\$ -	\$ -	\$ 166.44	\$ 164.02	\$ 330.46
Welfare Fund	0.00	0.00	298.21	260.78	\$ 558.99
Education Fund	0.00	0.00	36.14	30.39	\$ 66.53
Group Legal Services	0.00	0.00	20.08	17.11	\$ 37.19
Plumbing Council	0.00	0.00	19.35	17.41	\$ 36.76
Working Dues	0.00	0.00	11.68	9.44	\$ 21.12
Savings Plan	0.00	0.00	54.75	44.25	\$ 99.00
<b>Sub-total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 606.65</b>	<b>\$ 543.40</b>	<b>1,150.05</b>
<i>Add 8% Liquidated Damages</i>					92.00
<i>Add Interest @1 1/2 % per month through 7/31/08</i>					203.61
<b>TOTAL</b>					<b>\$ 1,445.66</b>

\* After 07/31/08 add interest per month of \$17.25.

This report was prepared for the purpose of determining jurisdictional hours worked and verifying that those hours were reported to the Funds. Since we did not apply all of the generally accepted auditing procedures which might be considered necessary in the circumstances, we are unable to express an opinion that the accompanying schedules (if applicable) represent all additional reportable hours.

We shall be pleased to furnish any additional information desired.

Very truly yours,

  
 James J. Giemzik, CPA  
 Legacy Professionals LLP

**UNREPORTED HOURS OF COVERED (OR UNDOCUMENTED) WORK  
2007**

TOTAL  
UNREPORTED  
HOURS

**MEMBERS: (\*)**

Name:	SSN:	Class:	Worked	Reported	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL UNREPORTED HOURS
Name: John R. Anderson	SSN: xxx-xx-5174	Class: Journeyman	Worked	Reported			183.50										
			<u>UNREPORTED</u>		0.00	0.00	36.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36.50
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UNREPORTED HOURS FOR MEMBERS</b>																	
					0.00	0.00	36.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36.50
<b>NON-MEMBERS: (*)</b>																	
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UNREPORTED HOURS FOR NON-MEMBERS</b>																	
					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UNREPORTED HOURS</b>																	
					0.00	0.00	36.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36.50

(\*) Hours "worked" and "reported" are displayed  
only for those months in which unreported hours are shown.

**UNREPORTED HOURS OF COVERED (OR UNDOCUMENTED) WORK  
2008**

TOTAL  
UNREPORTED  
HOURS

**MEMBERS: (\*)**

Name:	SSN:	Class:	Worked	Reported	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL UNREPORTED HOURS
			<u>UNREPORTED</u>		0.00	29.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29.50
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Class:	Worked	Reported													
			<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UNREPORTED HOURS FOR MEMBERS</b>					0.00	29.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29.50

**NON-MEMBERS: (\*)**

Name:	SSN:	Worked	Reported	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL UNREPORTED HOURS	
			<u>UNREPORTED</u>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Worked	Reported														
		<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Worked	Reported														
		<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Worked	Reported														
		<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Worked	Reported														
		<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Worked	Reported														
		<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Name:	SSN:	Worked	Reported														
		<u>UNREPORTED</u>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UNREPORTED HOURS FOR NON-MEMBERS</b>				0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UNREPORTED HOURS</b>				0.00	29.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29.50

## CONTRIBUTIONS AND DEDUCTIONS DUE

2007

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL DUE
PENSION FUND	hours:	0.00	0.00	36.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
	rate:	4.56	4.56	4.56	4.56	4.56	5.56	5.56	5.56	5.56	5.56	5.56	5.56	
WELFARE FUND 1st - 3rd Apprentice	AMOUNT DUE:	0.00	0.00	166.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 166.44
	hours:	0.00	0.00	36.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
EDUCATION FUND	rate:	8.17	8.17	8.17	8.17	8.17	8.84	8.84	8.84	8.84	8.84	8.84	8.84	
	hours:						3.84	3.84	3.84	3.84	3.84	3.84	3.84	
GROUP LEGAL SVCS	AMOUNT DUE:	0.00	0.00	298.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 298.21
	hours:	0.00	0.00	36.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
PLUMBING COUNCIL 1st - 3rd Apprentice	rate:	0.99	0.99	0.99	0.99	0.99	1.03	1.03	1.03	1.03	1.03	1.03	1.03	
	hours:	0.53	0.53	36.50	0.53	0.53	0.59	0.59	0.59	0.59	0.59	0.59	0.59	
WORKING DUES (1)	AMOUNT DUE:	0.00	0.00	19.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 19.35
	hours:			36.50										
WORKING DUES (2)	AMOUNT DUE:	0.00	0.00	11.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 11.68
	hours:													
SAVINGS PLAN	AMOUNT DUE:	0.00	0.00	54.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 54.75
	hours:			36.50										
<b>TOTAL DUE</b>		\$ -	\$ -	\$ 606.65	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 606.65

(1) Non-apprentices  
(2) Apprentices (after 1st six months)  
effective 6/1/1997

Total Working Dues (see above)

\$ 11.68

## CONTRIBUTIONS AND DEDUCTIONS DUE

2008

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL DUE
PENSION FUND	hours: rate:	0.00 5.56	29.50 5.56	0.00 5.56	0.00 5.56	0.00 5.56	0.00 0.00	\$ 164.02						
	AMOUNT DUE:													
WELFARE FUND 1st - 3rd Apprentice	hours: rate: hours: rate:	0.00 8.84	29.50 8.84	0.00 8.84	0.00 8.84	0.00 8.84	0.00 0.00	\$ 260.78						
	AMOUNT DUE:													
EDUCATION FUND	hours: rate:	0.00 1.03	29.50 1.03	0.00 1.03	0.00 1.03	0.00 1.03	0.00 0.00	\$ 30.39						
	AMOUNT DUE:													
GROUP LEGAL SVCS	hours: rate: hours: rate:	0.00 0.58	29.50 0.58	0.00 0.58	0.00 0.58	0.00 0.58	0.00 0.00	\$ 17.11						
	AMOUNT DUE:													
PLUMBING COUNCIL 1st - 3rd Apprentice	hours: rate: hours: rate:	0.00 0.59	29.50 0.59	0.00 0.59	0.00 0.59	0.00 0.59	0.00 0.00	\$ 17.41						
	AMOUNT DUE:							N/A	N/A	N/A	N/A	N/A	N/A	
WORKING DUES (1)	hours: rate:		29.50 0.32											
	AMOUNT DUE:													
WORKING DUES (2)	hours: rate:													
	AMOUNT DUE:													
SAVINGS PLAN	hours: rate:		29.50 1.50											
	AMOUNT DUE:													
<b>TOTAL DUE</b>		\$ -	\$ 543.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 543.40

(1) Non-apprentices

(2) Apprentices (after 1st six months)

Total Working Dues (see above)

\$ 9.44

Plumbers' Benefit Funds  
 Local 130, U.A.  
 Interest  
 At 1.5% Per Month

Employer: Boston Plumbing, Inc.

A/C No: 722

2005	Deficiencies	Rate	Amount
Jan		64.5%	
Feb		63.0%	
Mar		61.5%	
Apr		60.0%	
May		58.5%	
Jun		57.0%	
Jul		55.5%	
Aug		54.0%	
Sep		52.5%	
Oct		51.0%	
Nov		49.5%	
Dec		48.0%	
Total			

2006	Deficiencies	Rate	Amount
Jan		46.5%	
Feb		45.0%	
Mar		43.5%	
Apr		42.0%	
May		40.5%	
Jun		39.0%	
Jul		37.5%	
Aug		36.0%	
Sep		34.5%	
Oct		33.0%	
Nov		31.5%	
Dec		30.0%	
Total			

2007	Deficiencies	Rate	Amount
Jan		28.5%	
Feb		27.0%	
Mar	606.65	25.5%	154.70
Apr		24.0%	
May		22.5%	
Jun		21.0%	
Jul		19.5%	
Aug		18.0%	
Sep		16.5%	
Oct		15.0%	
Nov		13.5%	
Dec		12.0%	
Total	606.65		154.70

Plumbers' Benefit Funds  
Local 130, U.A.  
Interest  
At 1.5% Per Month

Employer: Boston Plumbing, Inc.

A/C No: 722

2008	Deficiencies	Rate	Amount
Jan		10.5%	
Feb	543.40	9.0%	48.91
Mar		7.5%	
Apr		6.0%	
May		4.5%	
Jun		3.0%	
Jul		1.5%	
Aug			
Sep			
Oct			
Nov			
Dec			
Total	543.40		48.91
Total		1,150.05	203.61

# **EXHIBIT C**

LIT-4771

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc.	)	
	)	
	Plaintiff,	) Case No. 08 C 1785
	)	
v.	)	Judge Kocoras
	)	
BOSTON PLUMBING, INC.,	)	Magistrate Judge Keys
	)	
	Defendant.	)

**AFFIDAVIT CONCERNING ATTORNEYS' FEES AND COSTS**

DOUGLAS A. LINDSAY states that if he were called to testify in the captioned case he would testify as follows:

1. I am an adult and competent.

2. The information contained in this Affidavit is based on my personal knowledge

and the business records of LEWIS, OVERBECK & FURMAN, LLP (Firm).

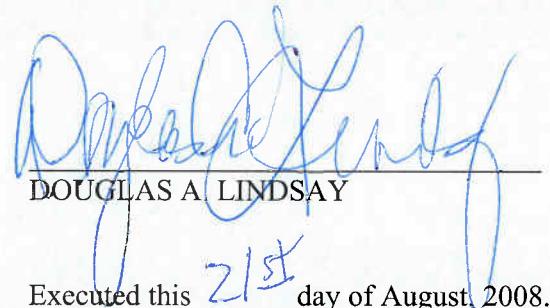
3. During the course of this litigation, Douglas A. Lindsay, a partner in Firm, rendered 3.6 hours of legal services to Plaintiff at a rate of \$300.00 per hour, for a total of \$1,080.00.

4. During the course of this litigation, Brian T. Bedinghaus, an associate in Firm, rendered 14.6 hours of legal services to Plaintiff, at a rate of \$170.00 per hour, for a total of \$2,482.00.

5. During the course of this litigation, Albert B. Davis, a paralegal in the Firm, rendered 0.2 hours of legal services to Plaintiff, at a rate of \$70.00 per hour, for a total of \$14.00.

6. During the course of this litigation, Robert C. Parizek, a paralegal in the Firm, rendered 1.2 hours of legal services to Plaintiff, at a rate of \$85.00 per hour, for a total of \$102.00.

7. The legal professionals' fees incurred by Plaintiff in this matter total \$3,678.00.
8. Plaintiff has also incurred \$350.00 in court filing fees, \$130.00 for service of process fees, \$60.00 for computerized docketing charges, \$14.94 in postage fees, \$3.50 in binging charges, and \$80.88 in photocopy charges for total costs of \$639.32.
9. The total amount due Plaintiff for legal fees and costs is \$4,317.32.
10. Attached hereto as Attachment D-1 are true and correct copies of itemized time records and expense records made and kept in the ordinary course of Firm's business.
11. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct.



DOUGLAS A. LINDSAY

Executed this 21<sup>st</sup> day of August, 2008.

Lewis, Overbeck & Furman, LLP  
20 N. Clark St.  
Suite 3200  
Chicago, IL 60602  
(312)580-1200

# **EXHIBIT C-1**

**Lewis, Overbeck & Furman, LLP**  
**Time And Expense Details**

Report ID: OT2025 - 24172  
Wednesday, August 20, 2008

Beginning To End

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Client	Client Reporting Name	Matter	Matter Reporting Name	Billing Timekeeper
65100	Plumbers 130 Litigation	01139	4771 Boston Plumbing, Inc.	Lindsay, Douglas A.

Unbilled Time		Date	Timekeeper	Hours Worked	Hours To Bill	Rate	Amount	Task	Activity	Narrative
		6/3/2008	BTB	0.20	0.20	170.00	\$34.00			Phone call from auditor; memo to file
		6/6/2008	DAL	0.10	0.10	300.00	\$30.00			Conference with Brian T. Bedinghaus regarding 6/11/08 hearing
		6/10/2008	DAL	0.20	0.20	300.00	\$60.00			Conference with Brian T. Bedinghaus regarding case handling
		6/11/2008	BTB	0.30	0.30	170.00	\$51.00			Phone call to auditor; memo to file; reviewed file for status of audit
		6/11/2008	BTB	1.10	1.10	170.00	\$187.00			Reviewed file; court appearance; memo to file
		6/11/2008	DAL	0.10	0.10	300.00	\$30.00			E-notice from court
		6/23/2008	BTB	0.30	0.30	170.00	\$51.00			Phone call to auditor; memo to file
		6/25/2008	RCP	0.10	0.10	85.00	\$8.50			Organized file
		6/25/2008	DAL	0.10	0.10	300.00	\$30.00			Receive, review and file correspondence from Department of Labor
		7/1/2008	BTB	0.10	0.10	170.00	\$17.00			Reviewed file and updated monthly status report
		7/3/2008	BTB	0.10	0.10	170.00	\$17.00			Reviewed file for status; email to Douglas A. Lindsay
		7/28/2008	BTB	0.30	0.30	170.00	\$51.00			Reviewed file; updated monthly status report; phone call to auditor
		7/29/2008	BTB	0.10	0.10	170.00	\$17.00			Voice message from auditor; memo to file
		7/31/2008	DAL	0.30	0.30	300.00	\$90.00			Correspondence from Funds' auditors; review audit; telephone conference with Funds' Field Representative; conference with Brian T. Bedinghaus regarding case handling
		7/31/2008	BTB	1.20	1.20	170.00	\$204.00			Reviewed audit report; conference with Douglas A. Lindsay; phone call to auditor; memo to file; letter to defendant; reviewed file
		8/5/2008	BTB	0.40	0.40	170.00	\$68.00			Completed letter to defendant and arranged for mailing
		8/18/2008	BTB	2.20	2.20	170.00	\$374.00			Reviewed file; prepared for court appearance; preparation of motion for entry of judgment
		8/19/2008	BTB	1.00	1.00	170.00	\$170.00			Reviewed file; email to and from auditor; court appearance; memo to file; phone call to auditor
		<b>Unbilled Time</b>								
		<b>Totals</b>		8.20	8.20		\$1,489.50			

Case	Unbilled Expenses	Date	Amount	Exp Code	Narrative
1:08-cv-01785		7/31/2008	\$3.12	COPY	Photocopy Charges
	<b>Totals</b>		\$3.12		
	<b>Billed Time</b>				
Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task Activity Narrative
3/17/2008	DAL	0.10	0.10	300.00	\$30.00

Telephone conference with Funds' Field Representative; memo to file; conference with paralegal regarding litigation file

**Lewis, Overbeck & Furman, LLP**  
**Time And Expense Details**

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Billed Time	Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task	Activity	Narrative
3/18/2008	DAL		0.20	0.20	\$300.00	\$60.00		Voice-mail to Funds' Field Representative regarding assignment of auditor and designation of audit start date; telephone conference Funds' Field Representative; memo to file
3/19/2008	DAL		0.10	0.10	\$300.00	\$30.00	Receive and review CBA signature page	
3/26/2008	DAL		0.30	0.30	\$300.00	\$90.00	Conference with Brian T. Bedinghaus regarding preparation of lawsuit papers; telephone conference with Funds' Field Representative	
3/26/2008	BTB		0.70	0.70	170.00	\$119.00	Conference with Douglas A. Lindsay; review file; phone call to Funds' Field Representative; memo to file; phone call to auditor	
3/27/2008	BTB		1.90	1.90	170.00	\$323.00	Prepared complaint & initiating documents; phone call to Funds' Field Representative; memo to file; phone call to auditor	
3/27/2008	DAL		0.90	0.90	\$300.00	\$270.00	Arranged for e-filing; letter to judge; arranged for service on defendant and Secretary of Labor and Secretary of Treasury; arranged for delivery of complaint to judge	
3/28/2008	DAL		0.20	0.20	\$300.00	\$60.00	Review draft lawsuit papers and conference with Brian T. Bedinghaus regarding finalizing form of lawsuit papers; e-file lawsuit papers; email from court clerk; email to Brian T. Bedinghaus and paralegal regarding service of process and delivery of copy of complaint to assigned judge	
3/28/2008	RCP		0.30	0.30	\$85.00	\$25.50	E-notices from court; telephone conference with Funds' Field Representative	
3/31/2008	DAL		0.30	0.30	\$300.00	\$90.00	Worked on service of process	
3/31/2008	BTB		0.20	0.20	170.00	\$34.00	Statutory notice letter to Secretary of Labor and Secretary of Treasury; e-notice from court; diary deadlines; email to all concerned; conference with Brian T. Bedinghaus regarding work on case	
4/1/2008	RCP		0.30	0.30	85.00	\$25.50	E-notices from District Court; email from Douglas A. Lindsay	
4/14/2008	BTB		0.30	0.30	170.00	\$51.00	Organized file	
4/15/2008	DAL		0.10	0.10	300.00	\$30.00	Letter to defendant; mailed order to defendant; conference with paralegal regarding service of process	
4/17/2008	DAL		0.10	0.10	300.00	\$30.00	Review file and supplement case status report	
4/18/2008	DAL		0.10	0.10	300.00	\$30.00	Telephone conference Marge Wiggins regarding computation of present indebtedness	
4/18/2008	RCP		0.50	0.50	85.00	\$42.50	E-notice from court	
4/21/2008	BTB		0.10	0.10	170.00	\$17.00	Paid vendor invoice; filed return of service	
4/24/2008	BTB		0.20	0.20	170.00	\$34.00	Reviewed file; updated monthly status report	
4/24/2008	DAL		0.10	0.10	300.00	\$30.00	Received mail from defendant; reviewed file	
4/29/2008	BTB		0.90	0.90	170.00	\$153.00	Telephone conference with Funds' Field Representative regarding audit	
4/30/2008	BTB		0.50	0.50	170.00	\$85.00	Reviewed file for status of appearance; prepared motion for default judgment	
4/30/2008	ABD		0.20	0.20	70.00	\$14.00	Arranged for service of motion; e-filed motion for default judgment; e-notices from district court; e-mailed proposed order to judge	
5/1/2008	DAL		0.10	0.10	300.00	\$30.00	Vello-Bind pleadings for Brian T. Bedinghaus Plaintiff's Motion For Default Judgment'	
5/2/2008	BTB		0.70	0.70	170.00	\$119.00	E-notices from court	
5/5/2008	BTB		0.20	0.20	170.00	\$34.00	Phone call from auditor; memo to file	
5/6/2008	BTB		1.10	1.10	170.00	\$187.00	Court appearance; memo to file	
5/6/2008	DAL		0.10	0.10	300.00	\$30.00	E-notice from court	
5/7/2008	DAL		0.10	0.10	300.00	\$30.00	Receive and review order from court; diary deadline	

**Lewis, Overbeck & Furman, LLP**  
**Time And Expense Details**

Report ID: OT2025 - 24172  
Wednesday, August 20, 2008

Beginning To End

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Billed Time		Beginning To End					
Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount Task	Activity	Narrative
5/7/2008	BTB	0.10	0.10	170.00	\$17.00		Phone call from auditor regarding status of audit
5/8/2008	BTB	0.20	0.20	170.00	\$34.00		Phone call to Funds' Field Representative; memo to file
5/9/2008	BTB	0.10	0.10	170.00	\$17.00		Phone call from auditor regarding scheduling of audit
5/16/2008	BTB	0.10	0.10	170.00	\$17.00		Reviewed file and updated monthly status report
<b>Billed Time</b>							
<b>Totals</b>		11.40	11.40		\$2,188.50		

Billed Expenses		Date	Amount	Exp Code	Narrative
3/31/2008		\$60.00	DOCK	DM 2000, Computerized Docket and Case Watch Protection Service	
3/31/2008		\$60.96	COPY	Photocopy Charges	
4/18/2008		\$130.00	MISC	Constable Services - Service of Process	
4/30/2008		\$350.00	MISC	Northern District Illinois - US District Court - Filing new case	
4/30/2008		\$14.94	POST	Postage Charges	
4/30/2008		\$16.08	COPY	Photocopy Charges	
4/30/2008		\$3.50	BIND	Binding Charges	
5/31/2008		\$0.72	COPY	Photocopy Charges	
<b>Billed Expenses</b>					
<b>Totals</b>		\$636.20			

Report Totals	Hours Worked	Hours To Bill	Fee Amount	Expense Amount	Total Amount
	19.60	19.60	\$3,678.00	\$639.32	\$4,317.32

\*\*\* End Of Report \*\*\*

Case 1:08-cv-01785 Document 16-2 Filed 08/21/2008

# **EXHIBIT D**

LIT4771

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc. )  
                            )  
                            )  
Plaintiff,         ) Case No. 08 C 1785  
                            )  
                            )  
v.                      ) Judge Kocoras  
                            )  
                            )  
BOSTON PLUMBING, INC., ) Magistrate Judge Keys  
                            )  
                            )  
Defendant.         )

**AFFIDAVIT OF JAMES KEMPERAS**

JAMES KEMPERAS states that if he were called to testify in the captioned case, he would testify as follows:

1. I am an adult and competent.
2. The information contained in this Affidavit is based on my personal knowledge and the business records of LEGACY PROFESSIONALS LLP.
3. I am a supervising auditor of LEGACY PROFESSIONALS LLP located at 30 N. LaSalle St., Suite 4200, Chicago, IL 60602.
4. The Trustees of Plumbers' Pension Fund, Local 130, U.A., Plumbers' Welfare Fund, Local 130, U.A., The Trust Fund for Legal Apprentice and Journeyman Education and Training, Local 130, U.A., and Chicago Journeyman Plumbers' Local Union 130, U.A., Group Legal Services Plan Fund ("Funds") have engaged LEGACY PROFESSIONALS LLP to conduct compliance audits of employers who are signatories to the collective bargaining

agreement ("CBA") with The Chicago Journeymen Plumbers' Local Union 130, U.A.

5. Pursuant to the foregoing engagement, LEGACY PROFESSIONALS LLP audited the compliance of Defendant with its obligations under the CBA for the period from October 1, 2005, through April 30, 2008. A true and correct copy of the Compliance Report to the Trustees issued by LEGACY PROFESSIONALS LLP is attached to Motion for Entry of Judgment as Exhibit B.

6. LEGACY PROFESSIONALS LLP charged the Funds \$1,625.35 for professional services rendered in auditing Defendant.

7. In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
JAMES KEMPERAS

Executed on August 19, 2008.

# **EXHIBIT E**

LIT-4771

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, not individually but as Trustee )	
of PLUMBERS' PENSION FUND, LOCAL 130, U.A., )	
PLUMBERS' WELFARE FUND, LOCAL 130, U.A., )	
THE TRUST FUND FOR APPRENTICE AND )	No. 08 C 1785
JOURNEYMEN EDUCATION AND TRAINING, )	
LOCAL 130, U.A., and CHICAGO JOURNEYMEN )	
PLUMBERS' LOCAL UNION 130, U.A., )	
GROUP LEGAL SERVICES PLAN FUND, )	
	Judge Kocoras
Plaintiff, )	
v. )	Magistrate Judge Keys
BOSTON PLUMBING, INC., an Illinois corporation, )	
Defendant. )	

**JUDGMENT IN A CIVIL CASE**

This Cause coming before the Court for hearing on Plaintiff's Motion for Entry of Judgment, due notice having been given to all parties entitled thereto, and the Court being fully advised in the premises

IT IS HEREBY ORDERED that Defendant, BOSTON PLUMBING, INC., is held in default and judgment is entered in favor of Plaintiff, JAMES T. SULLIVAN, etc., and against Defendant, BOSTON PLUMBING, INC., in the amount of \$7,796.44.

IT IS FURTHER ORDERED that Judgment is final and there is no just reason to delay enforcement or appeal.

DATE: \_\_\_\_\_

ENTER:

---

Charles P. Kocoras  
United States District Judge